

MONTANA CHEMICAL DEPENDENCY CENTER POLICY AND PROCEDURE MANUAL

Policy Subject: Compensatory Time and Overtime	
Policy Number: PRP 03	Standards/Statutes: ARM 37.27.121
Effective Date: 01/01/03	Page 1 of 3

PURPOSE: To define the accrual and use of compensatory time and overtime.

POLICY: All compensatory time and overtime are earned and taken with the approval of employees immediate supervisor within the parameters outlined in DPHHS and state of Montana policies. We will also comply with the Federal Fair Labor Standards Act and its interpretative federal regulations. Compensatory time must be used prior to using annual leave.

PROCEDURE:

I. Definitions

A. Exempt Employee:

1. Any employee designated as executive, administrative or professional as those terms are defined in 29 CFR 541. These employees are not subject to payment of overtime worked over 40 hours within the established workweek.
2. Will accrue and take hour-for-hour compensatory time in accordance with MOM Policy 3-0211.
3. Compensatory time shall not be accrued when employees are required to be away from the facility over a non-work period such as a weekend or holiday when work or travel is not performed.
4. Exempt employees shall not be assigned to on-call service unless such service is deemed essential to the facility. The supervisor with the employee accruing

compensatory time must request on-call service as follows:

- a. An employee placed in on-call status within a regular workweek and during a normal off-duty time shall accrue one (1) hour of compensatory time per day.
- b. An employee placed in on-call status during a regular day(s) off shall accrue two (2) hours of compensatory time for each day of on-call service.
- c. An employee called to work during a period of on-call service shall earn an hour of compensatory time for each hour actually worked, beginning at the time the employee reports to the facility and continuing until the task is completed, excluding any travel time. Minimum compensation for call out shall be one hour of compensatory time.

B. Non-Exempt Employee:

- 1. Any employee not in exempt status and therefore subject to the provisions of the Fair Labor Standards Act (FLSA) as amended and its interpretative regulations.
- 2. Will accrue hours at the rate of one and one-half times the actual hours worked over 40 hours in a workweek. The accrual of compensatory time instead of overtime is at the discretion of management.
- 3. FLSA compensatory time can only be granted by mutual consent between the employee and the employer. If mutual consent does not exist, the employee shall receive premium pay.
- 4. Eligibility for FLSA compensatory time shall be established by the following process:
 - a. When the employer grants FLSA compensatory time, the employee shall sign a selection form between June 1 and July 1 of each year. The selection form allows the employee to designate if compensatory time or overtime is preferred. This form is forwarded to payroll for tracking purposes. This is only done when compensatory time is an option as determined by management.
 - b. New employees, when applicable, shall submit a request within ten (10) days of date of hire.
 - c. FLSA compensatory time accrued must be reflected in the record as one and one-half hours for each one-hour worked over 40 hours within the workweek.
 - d. FLSA compensatory time is subject to a maximum accrual of 120 hours after which all additional time earned must be compensated at the one and one-half time rate.

A. This policy shall be followed unless it conflicts with a specific negotiated labor contract, which will then take precedence to the extent applicable.

Approved By: _____ 01/01/02
David J. Peshek, Administrator